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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,287	07/27/2001	James McNabb	RELI-001/01US	6095
29315	7590	09/22/2006	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 701 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20004			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary.

Application No.	Applicant(s)	
09/915,287	MCNABB ET AL.	
Examiner	Art Unit	
Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/19/06 have been fully considered but they are not persuasive.
2. With regard to claim 1, and Applicant's assertion that the specification provides support for the claimed limitation "wherein said turnstile identifies one or more network elements in a communication path between said turnstile and said director" (Pages 4-5 of Remarks), the Examiner respectfully disagrees.

The Examiner has carefully reviewed the sections cited by Applicant in alleged support of the above limitation. The cited sections describe an Autodiscovery algorithm that participant managers use to form themselves into a hierarchy, and also states that the turnstile may use this algorithm to locate its participant manager. At no point does the cited section describe a turnstile identifying one or more network elements in a communication path between the turnstile and the director. At best, the cited sections disclose determine a number of hops between two elements (Page 34 of specification). However, determining the number of hops does not provide support for "identifying one or more network elements". Merely detecting the existence of a network element does not provide support for identifying it.

3. With regard to claim 1, and Applicant's assertion that the specification provides support for the claimed limitation "wherein said director logically connects said turnstile

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with a particular one of said plurality of participant managers based on said one or more network elements" (Page 5 of Remarks), the Examiner respectfully disagrees.

The Examiner has carefully reviewed the sections cited by Applicant in alleged support of the above limitation. The cited sections describe the general operation of the director and a description of the turnstiles. The section describing the director (pg 41, line 9 – pg. 44, line 14) does not even contain the term "turnstile", and the only mention of the director in the section describing the turnstile (pg. 26, line 17 – pg. 27, line 14) is that the turnstile is a plug-in downloaded from the director server.

Nothing in either section discloses that the director logically connects a turnstile to a particular participant manager, and certainly fails to disclose that the connection is based on identified network elements between the turnstile and the director.

4. With regard to claim 1, and Applicant's assertion that Clark differs from the present claims since "claim 1 sets forth a hierarchical relationship where participant managers lie 'between said turnstile and said director'" (Page 6 of Remarks), the Examiner respectfully disagrees.

As an initial matter, it is noted that Applicant's quoting of "between said turnstile and said director" is presumably referring to that language in line 15 of claim 1. However, it should be noted that this recitation, when placed in its proper context, refers to one or more network elements located "between said turnstile and said director". It does not refer to the participant managers as asserted by Applicant.

The only relationship between the participant managers and the director appearing in claim 1 is that the participant managers are “logically connected amongst themselves and to said director” (Line 5). This does not specify or even imply that the participant managers lie “between said turnstile and said director”.

If Applicant wishes to specify the location of elements of the claimed system, limitations describing those locations should be incorporated into the present claims.

5. With regard to claim 1, and Applicant’s assertion that Savage differs from present claims since “the cited passages of Savage clearly reflect that the dispatch server does not ‘deliver [an] event to [a] plurality of participants,’ but rather connects a participant to a media server that delivers the event to the participant” (Page 6 of Remarks), the Examiner respectfully disagrees. The dispatch server determines the existence and location of the event on behalf of the client, and provides the client with that information. This falls within the scope of “delivering the event” as described in the specification of the present application as well as usage in the art of the very broad term “delivering”. Applicant provided no elaboration to support the assertion that the dispatch server Savage does not deliver an event, so it is unclear why Applicant feels the claimed “delivering” differs from delivering the address of the correct media server to a client.

6. With regard to claim 1, and Applicant’s assertion that the claimed “participant managers” differ from Savage’s media servers because “the media servers do not

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manage participation in events” (Page 7 of Remarks), the Examiner respectfully disagrees.

As an initial matter, it is noted that Applicant has failed to define “participant managers” in the claims or the specification. While it could be reasonably argued that the name implies that the devices manage participants in something, nothing currently in the claims states that the manage participants in the claimed events.

Furthermore, even if we could assume that the participant managers “manage participation in events”, the media servers disclosed by Savage clearly perform such an operation. Each media server manages multiple users and keeps each of them updated regarding clients participating in the conference and other information (at least ¶52).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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9. With regard to claim 1, the limitation “wherein said turnstile identifies one or more network elements in a communication path between said turnstile and said director, and wherein said director logically connects said turnstile with a particular one of said plurality of participant managers based on said one or more network elements” does not appear to be described in the specification.

While the specification does discuss the turnstile locating its corresponding participant manager (Page 38, Lines 6-13), it fails to describe the director logically connecting the turnstile to a particular participant manager based on one or more network elements identified by the turnstile.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Clark et al. (WO 01/22725).

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12. With regard to claim 1, Clark discloses a system for managing a plurality of participants to a event comprising:

a director having an address associated therewith for delivering the event to the plurality of participants (interface server IS1) (Page 29, Lines 14-16);

a plurality of participant managers installed within a network communication system and logically connected amongst themselves and to said director thereby forming a hierarchy (mapping servers) (Fig 1 and Page 30, Lines 8-12); and

a turnstile installed at and associated with each of the plurality of participants, each turnstile logically connected to one of said plurality of participant managers in said hierarchy (set top box STB1 logically connects to mapping server via director) (Fig 1 and Page 29, lines 16-18),

wherein said turnstile identifies one or more network elements (subscriber access network SAN) in a communication path between said turnstile and said director, and

wherein said director logically connects said turnstile with a particular one of said plurality of participant managers based on said one or more network elements between said turnstile and said director (local mapping server is chosen) (Page 29, lines 16-18).

13. With regard to claim 4, Clark further discloses that said associated participant presents said turnstile with a ticket to the event to gain access to the event (profile and authentication is provided via smart card) (Page 25, Lines 4-12).

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14. With regard to claim 5, Clark further discloses that said turnstile determines whether said ticket is valid (Page 25, Lines 4-12).

15. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Savage, III et al. (US 2001/0009014).

16. With regard to claim 1, Savage discloses a system for managing a plurality of participants to a event comprising:

a director (dispatch server) having an address (IP address) associated therewith for delivering the event to the plurality of participants (client connects to conference via dispatch server)(¶48-51);

a plurality of participant managers (media servers) installed within a network communication system and logically connected amongst themselves and to said director thereby forming a hierarchy (media servers are accessed via dispatch server)(Fig 1 and ¶1); and

a turnstile (client plug-in) installed at and associated with each of the plurality of participants, each turnstile logically connected to one of said plurality of participant managers in said hierarchy (¶47),

wherein said turnstile identifies one or more network elements (authentication server) in a communication path between said turnstile and said director (¶48), and

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wherein said director logically connects said turnstile with a particular one of said plurality of participant managers based on said one or more network elements between said turnstile and said director (client is connected to appropriate server to access conference) (§51-53).

17. With regard to claim 2, Savage further discloses that said plurality of participant managers propagates delivery statistics upstream through said hierarchy to said director (media servers notify dispatch server of available capacity, QOS, crashes, etc) (§54 and 58).

18. With regard to claim 3, Savage further discloses that said plurality of participant managers aggregates said delivery statistics from those of said plurality of participants beneath it in the hierarchy (number of users/conferences/CPU units are monitored and aggregated into an "available capacity") (§54).

19. With regard to claim 4, Savage further discloses that said associated participant presents said turnstile with a ticket to the event to gain access to the event (authentication code/account number)(§47).

20. With regard to claim 5, Savage further discloses that said turnstile determines whether said ticket is valid (§48).

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21. With regard to claim 8, Savage further discloses that said director provides event information to said connected participant manager (dispatch server notifies media server to create new conference) (§53).

22. With regard to claim 9, Savage further discloses that said turnstile prevents said associated participant from receiving the event until a ticket associated with the event is authenticated (§48).

23. With regard to claim 10, Savage further discloses that said turnstile prevents said associated participant from receiving the event until a ticket associated with the event is determined to have been provided to said associated participant (§47-48).

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS
9/13/06



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